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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	Case No. 07-70198 WDB
Plaintiff,	)	
v.	)	STIPULATION TO WAIVE TIME UNDER
	)	SPEEDY TRIAL CLOCK AND FOR
	)	PRELIMINARY HEARING
SANUARIO MONTOYA-ORTIZ,	)	Date: May 15, 2007
	)	Time: 10:00 a.m.
Defendant.	)	Before the Honorable Wayne D. Brazil

This matter is set to come before the Court for Preliminary Hearing or Arraignment on May 15, 2007 at 10:00 a.m. The United States has provided a substantial amount of discovery to Mr. Montoya-Ortiz's counsel. Additionally, the defense has identified several issues relating to Mr. Montoya-Ortiz's criminal history, specifically whether he has suffered an aggravated felony. In order to secure the necessary records and fully develop the defense's position and so the parties can continue their discussions to determine whether there is the possibility of a pre-indictment resolution of the matter IT IS STIPULATED AND AGREED that this matter be continued to June 6, 2007.

On advice of counsel, and pursuant to Fed. R. Crim. P. 5.1(d), Mr. Montoya-Ortiz


1 knowingly and voluntarily waives his right to a preliminary hearing on May 15, 2007, and agrees  
 2 to extend the time for a preliminary hearing until June 6, 2007, at 10:00 a.m. The parties also  
 3 agree that there is good cause present to grant the extension in light of the discovery provided for  
 4 the defendant's counsel to effectively prepare and to assist in a possible pre-indictment  
 5 resolution.

6 The parties also jointly request that the time between May 15, 2007 and June 6, 2007 be  
 7 excluded under the Speedy Trial Clock to allow Mr. Montoya-Ortiz's counsel to review the  
 8 discovery to be provided and effectively prepare taking into account the exercise of due  
 9 diligence. See 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the  
 10 "ends of justice served by the granting of such continuance outweigh the best interests of the  
 11 public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

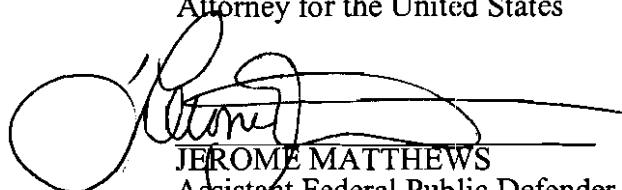
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 13  
 14 Respectfully submitted,

15 SCOTT N. SCHOOLS  
 16 United States Attorney

17 DATED: May 10, 2007

  
 18 BRYAN R. WHITTAKER  
 19 Special Assistant United States Attorney  
 20 Attorney for the United States

21 DATED: May 10, 2007

  
 22 JEROME MATTHEWS  
 23 Assistant Federal Public Defender  
 24 Attorney for Jose Luis Guzman-Moreno  
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